

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

VONNIE K. AGNER and wife,)	Civil No. 3:98-CV-220-T
JUNE AGNER, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
DANIEL INTERNATIONAL)	
CORPORATION, f/k/a Daniel)	
Construction Company, et al.,)	
)	
Defendants.)	
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ROBERT F. BOST, et al.,)	Civil No. 3:98 CV 138-T
)	
Plaintiffs,)	
)	
vs.)	
)	
DANIEL INTERNATIONAL)	
CORPORATION, et al.,)	
)	
Defendants.)	
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AMENDED FINAL PRETRIAL ORDER

THESE MATTERS are before the Court on Plaintiff's amended Proposed Trial Grouping submitted February 1, 2008, as agreed to by the Defendants.

Based upon the trial groupings as submitted,

IT IS, THEREFORE, ORDERED that the following cases are scheduled for trial during the **June 16 through July 3, 2008, term:**

Beeker, Terry
Carriker, Sr., John
Christenberry, John
Eagle, Leona
Elkins, Danny
Freeze, Jason
Goodlett, Billy
Goodman, Clyde

Hunt, Arthur
Seamon, Ernest
Smith, Bill
Smith, Jr. Franklin
Wallace, William

IT IS FURTHER ORDERED that the following deadlines apply to these cases scheduled for trial in **June 2008** (as computed on the attached schedule):

1. Depositions of the Plaintiffs must be completed on or before **March 18, 2008**.
2. Plaintiffs shall provide the Defendants with any updating medical records on or before **March 18, 2008**.
3. All prior radiology and pathology shall be shared with the defendants on or before **March 18, 2008**. Within 45 days from production of such medical information and no later than 15 days before trial, the Defendants shall return all radiology produced to Plaintiffs' counsel.
4. Any new radiology must be produced digitally, if available.
5. On or before **March 18, 2008**, the Plaintiffs shall execute authorizations for the blanket release of medical records to defense counsel.
6. Reports for retained experts are due from the Plaintiffs no later than **April 17, 2008**, and from the Defendants no later than **May 12, 2008**.
7. Plaintiffs shall identify any product identification or co-worker witnesses no later than **April 17, 2008**.
8. Discovery shall be completed no later than **May 19, 2008**; expert discovery shall be completed no later than **June 6, 2008**.
9. All motions except motions *in limine* shall be filed no later than **June 6, 2008**.

IT IS FURTHER ORDERED that the following cases are scheduled for trial during the

August 18 through September 5, 2008, term:

Aldrich, Nottie
Barnhardt, Thomas
Boger, John
Bonds, Merle
Daniels, Sr., Charles
Doby, Carl
Fonseca, Sr., Edward
Gibbons, Gary
Godbey, Robert
Guy, Elsie
Hendrickson, Larry
Hodges, David T.
Honeycutt, William
Jackson, Bettye
Kennedy, John
Knight, James
Logan, Thomas
Measmer, Kenneth
Nall, Charles
Ostwalt, Mildred
Potts, Homer
Reavis, Billy
Saine, Henry
Saleeby, Maurice
Shumaker, Kermit
Stirewalt, Steven
Tanner, Sr., William
Thomas, Ronald
Warren, Danny

IT IS FURTHER ORDERED that the following deadlines apply to these cases scheduled for trial in **August 2008** (as computed on the attached schedule):

1. Depositions of the Plaintiffs must be completed on or before **May 20, 2008**.
2. Plaintiffs shall provide the Defendants with any updating medical records on or before **May 20, 2008**.

3. All prior radiology and pathology shall be shared with the defendants on or before **May 20, 2008**. Within 45 days from production of such medical information and no later than 15 days before trial, the Defendants shall return all radiology produced to Plaintiffs' counsel.

4. Any new radiology must be produced digitally, if available.

5. On or before **May 20, 2008**, the Plaintiffs shall execute authorizations for the blanket release of medical records to defense counsel.

6. Reports for retained experts are due from the Plaintiffs no later than **June 19, 2008**, and from the Defendants no later than **July 21, 2008**.

7. Plaintiffs shall identify any product identification or co-worker witnesses no later than **June 4, 2008**.

8. Discovery shall be completed no later than **July 21, 2008**; expert discovery shall be completed no later than **August 8, 2008**.

9. All motions except motions *in limine* shall be filed no later than **August 8, 2008**.

IT IS FURTHER ORDERED that the following cases are scheduled for trial during the **October 20 through October 31, 2008, term**:

Barbee, Joe
Bond, Terry
Bost, Robert
Bowles, Larry
Coleman, James
Ellis, Joe
Faust, Martha
Granford, Morree
Holmes, Fred
Holt, Sallie
Jennings, Jr., William
Johns, Bobby
Kepley, Ronald
Miller, Clyde
Morrison, Sr., Bobby
Parker, Martha

Phelps, John
Powlas, Joe
Ridenhour, John
Robertson, Ada
Seaford, Sr., Glenn
Shoe, Howard
Shoe, Sr., Donald
Torrence, Sr., Wilbert
Walker, Jr., James
Weldon, Sr., Charles
Wilhelm, Miron
Wilson, Jr., Leon
Winecoff, Mary
Wise, Jr., Walter

IT IS FURTHER ORDERED that the following deadlines apply to these cases scheduled for trial in **October 2008** (as computed on the attached schedule):

1. Depositions of the Plaintiffs must be completed on or before **July 22, 2008**.
2. Plaintiffs shall provide the Defendants with any updating medical records on or before **July 22, 2008**.
3. All prior radiology and pathology shall be shared with the defendants on or before **July 22, 2008**. Within 45 days from production of such medical information and no later than 15 days before trial, the Defendants shall return all radiology produced to Plaintiffs' counsel.
4. Any new radiology must be produced digitally, if available.
5. On or before **July 22, 2008**, the Plaintiffs shall execute authorizations for the blanket release of medical records to defense counsel.
6. Reports for retained experts are due from the Plaintiffs no later than **August 21, 2008**, and from the Defendants no later than **September 22, 2008**.
7. Plaintiffs shall identify any product identification or co-worker witnesses no later than **August 6**.

8. Discovery shall be completed no later than **September 22, 2008**; expert discovery shall be completed no later than **October 10, 2008**.

9. All motions except motions *in limine* shall be filed no later than **October 10, 2008**.

The parties are directed to consult with the other pretrial orders entered herein for matters not specifically addressed by this Order.

Signed: February 1, 2008



Lacy H. Thornburg
United States District Judge



WE CONSENT:

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Attorneys for Defendants

No. of days before trial	June 16-July 3 Trial Group	Deadline Date
90	Depositions of the Plaintiffs must be completed	3/18/2008
90	Plaintiffs shall provide Defendants with any updating medical review	3/18/2008
90	All prior radiology and pathology shall be shared with the Defendants (radiology to be produced digitally if available) Within 45 days from the date of production but in no case later than 15 days before trial, Defendant shall return all radiology to Plaintiffs' counsel which were produced.	3/18/2008
90	Plaintiffs shall execute authorizations for the blanket release of medical records to defense counsel	3/18/2008
60	Plaintiffs shall identify all co-worker witnesses to testify at trial	4/17/2008
60	Reports for retained experts due from Plaintiffs	4/17/2008
35	Reports from retained experts due from Defendants	5/12/2008
30	Fact discovery shall be completed	5/19/2008
10	All motions except <i>motions in limine</i> shall be filed	6/6/2008
10	Expert discovery shall be completed	6/6/2008

No. of days before trial	August 18-September 5 Trial Group	Deadline Date
90	Depositions of the Plaintiffs must be completed	5/20/2008
90	Plaintiffs shall provide Defendants with any updating medical review	5/20/2008
90	All prior radiology and pathology shall be shared with the Defendants (radiology to be produced digitally if available) Within 45 days from the date of production but in no case later than 15 days before trial, Defendant shall return all radiology to Plaintiffs' counsel which were produced.	5/20/2008
90	Plaintiffs shall execute authorizations for the blanket release of medical records to defense counsel	5/20/2008
75	Plaintiffs shall identify all co-worker witnesses to testify at trial	6/4/2008
60	Reports for retained experts due from Plaintiffs	6/19/2008
30	Reports from retained experts due from Defendants	7/21/2008
30	Fact discovery shall be completed	7/21/2008
10	All motions except <i>motions in limine</i> shall be filed	8/8/2008
10	Expert discovery shall be completed	8/8/2008

No. of days before trial	October 20-October 31 Trial Group	Deadline Date
90	Depositions of the Plaintiffs must be completed	7/22/2008
90	Plaintiffs shall provide Defendants with any updating medical review	7/22/2008
90	All prior radiology and pathology shall be shared with the Defendants (radiology to be produced digitally if available) Within 45 days from the date of production but in no case later than 15 days before trial, Defendant shall return all radiology to Plaintiffs' counsel which were produced.	7/22/2008
90	Plaintiffs shall execute authorizations for the blanket release of medical records to defense counsel	7/22/2008
75	Plaintiffs shall identify all co-worker witnesses to testify at trial	8/6/2008
60	Reports for retained experts due from Plaintiffs	8/21/2008
30	Reports from retained experts due from Defendants	9/22/2008
30	Fact discovery shall be completed	9/22/2008
10	All motions except <i>motions in limine</i> shall be filed	10/10/08
10	Expert discovery shall be completed	10/10/08